



Filed Electronically \_\_\_\_\_

Entered on Docket  
February 23, 2010

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

**WILDE & ASSOCIATES**

Gregory L. Wilde, Esq.  
Nevada Bar No. 004417  
212 South Jones Boulevard  
Las Vegas, Nevada 89107  
Telephone: 702 258-8200  
Fax: 702 258-8787  
[bk@wildelaw.com](mailto:bk@wildelaw.com)

and

**MARK S. BOSCO, ESQ.**

Arizona Bar No. 010167  
TIFFANY & BOSCO, P.A.  
2525 East Camelback Road, Suite 300  
Phoenix, Arizona 85016  
Telephone: (602) 255-6000  
US Bank National Association, as Trustee for WFMBS 2006-AR5  
10-70272

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEVADA**

In Re:

Ronald E. Simms and Sandra A. Simms

Debtors.

09-15463-mkn

Motion no.  
Date:  
Time:

Chapter 13

**ORDER VACATING AUTOMATIC STAY**

Pursuant to the Declaration re Breach of Condition filed on January 19, 2010 and Debtors failure to cure the default prior to its expiration, and good cause appearing.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the  
2 above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to  
3 Secured Creditor, US Bank National Association, as Trustee for WFMBS 2006-AR5 its assignees and/or  
4 successors in interest, and Secured Creditor may proceed with a foreclosure of and hold a Trustee's Sale  
5 of the subject property, generally described as 6572 Moss Agate Drive , Las Vegas NV and legally  
6 described as follows:

7 Parcel I:

8 Lot 40 of The Plat of ELKHORN ESTATES, a Common Interest Community, as shown by map thereof  
on file in Book 115 of Plats, Page 97, in the Office of the County Recorder of Clark County, Nevada.

9 Parcel II:

10 A non-exclusive right and easement of ingress and egress and of use and enjoyment in, to and over the  
11 Common Elements, including, but not limited to, Private Streets, as set forth and subject to the  
12 Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for ELKHORN  
PONDEROSA recorded April 27, 2004 in Book 20040427 as Document number. 00652, Official  
Records.

13  
14 pursuant to applicable State Laws, and thereafter commence any action necessary to  
15 obtain complete possession of the subject property.

16  
17 **IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall**  
18 **give Debtors at least seven business days' notice of the time, place and date of sale.**

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1  
2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby  
3 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee  
4 of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its  
5 secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the  
6 foreclosure sale.

7  
8 Submitted by:

9 Wilde & Associates

10 By S/GREGORY L. WILDE  
11 **GREGORY L. WILDE, ESQ.**  
12 Attorney for Secured Creditor  
13 212 South Jones Boulevard  
14 Las Vegas, Nevada 89107  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a  
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee  
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has  
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all  
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented  
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to  
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed  
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor